



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/674,035      | 12/11/2000  | Jas C. Lang          | 22727/04078         | 9153             |

7590 05/30/2002

Pamela A Docherty  
Calfee Halter & Griswold  
1400 McDonald Investment Center  
800 Superior Avenue  
Cleveland, OH 44114

|          |
|----------|
| EXAMINER |
|----------|

HELMS, LARRY RONALD

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

1642

DATE MAILED: 05/30/2002

13

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

DEA/FCE-1994

| SERIAL NUMBER | FILING DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NO. |
|---------------|-------------|-----------------------|---------------------|
| 09/674035     |             |                       |                     |

| EXAMINER |              |
|----------|--------------|
|          |              |
| ART UNIT | PAPER NUMBER |
|          | 12           |

DATE MAILED:

**Please find below a communication from the EXAMINER in charge of this application**

Commissioner of Patents

1. This application contains sequence disclosures that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §§ 1.821-1.825. It is acknowledged that this application contains a sequence listing filed 5/16/00, however, the sequences listed as SEQ ID NO:1-4 are not the same as those listed in Figures 1A and 1B (see for example Figure 1 for the protein sequence at residue 104 which is "V" and in the paper copy of the sequence listing this residue is a "D". In addition, there are differences in SEQ ID NO:1 at nucleotides 328, 330, 553-555 when compared to Figure 1A and differences in SEQ ID NO:3 at nucleotides 1172 when compared to Figure 1B and SEQ ID NO:4 at positions 122 and 391 when compared to Figure 1B.) As such this application contains Figures 1A and 1B that do not have SEQ ID Nos. A proper search can not be performed where the claims recite sequences in Figures 1A and 1B and the Figures do not have proper SEQ ID NOs. It is required that the claims recite the proper SEQ ID Nos for Figures 1A, 1B, and 1B (cont.). In addition, all sequence listed in the application should have the proper SEQ ID NO next to the sequences in the specification.
2. Any inquiry concerning this communication should be directed to Examiner Larry R. Helms, Ph.D, Art Unit 1642, whose telephone number is (703) 306-5879.
3. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.
4. Any questions regarding compliance with the sequence rules requirements specifically should be directed to the departments listed at the bottom of the Notice to Comply.
5. APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §§ 1.821-1.825. Failure to comply with these requirements will result in ABANDONMENT of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the

provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

EXAMINER  
Larry R. Helms Ph.D.

A handwritten signature in black ink, appearing to read 'L. Helms', written over a horizontal line.